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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,540	01/21/2004	Ignacio B. Vial	7343	8638

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EXAMINER

BRADEN, SHAWN M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,540	Applicant(s) VIAL, IGNACIO B.	
	Examiner Shawn M. Braden	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/07/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, Claim 1 line 7, the corresponding projecting fasteners (10), which main planes are parallel to the plane of said main wall must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 line 17 recites "a portion of perimetric frame having an end (18) which is farther from the corresponding head wall". Cannot determine farther from the corresponding head wall as compared to what element? Clarification is required.

5. Claims 2-4 are rejected as being further dependent upon claim 1. Since claim 1, is considered indefinite.

6. Claim 1 recites the limitation "said means" in line 4. There is insufficient antecedence for this limitation in the claim.

7. Claim 1 recites the limitation "their corresponding projecting fasteners" in line 7. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 1 recites the limitation "the fastener" in line 9. There is insufficient antecedence for this limitation in the claim.

9. Claim 1 recites the limitation "the inlet opening" in line 10. There is insufficient antecedence for this limitation in the claim.

10. Claim 1 recites the limitation "said fasteners-housing" in line 11. There is insufficient antecedence for this limitation in the claim.

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11. Claim 1 recites the limitation "said fastener-housing boxes" in page 2 line 1.

There is insufficient antecedence for this limitation in the claim.

12. Claim 1 recites the limitation "its joining edge" in line 21. There is insufficient antecedence for this limitation in the claim.

13. Claim 1 recites the limitation "this operating frame" in line 23. There is insufficient antecedence for this limitation in the claim.

14. Claim 1 recites the limitation "the end edge" in line 24. There is insufficient antecedence for this limitation in the claim.

15. Claim 1 recites the limitation "fastener-housing boxes" in page 2 line 1. There is insufficient antecedence for this limitation in the claim.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Merey (USPN 6,290,081).

18. With respect to claim 1, to the extent it can be understood Merey shows a bottom wall, two head walls (14,16) opposing each other and two main side walls (18,20) opposing each other and respectively perpendicular to the head walls (14,16), where means are located in the upper zone of the side edges of said side walls (18,20) and consist of:

a) Sliding fastening elements (fig. 10) or front release buckles (fig. 6) where the upper zone of the side edges of main side walls (18,20) have their corresponding projecting fasteners (80), which main planes are parallel to the plane of said main wall;

b) a housing box for the fastener (82) located at the corresponding upper zone of the side edges of said head walls', they are oriented to the inlet openings of said fasteners-housing box in order to allow the entering corresponding fastener projection according to a relative displacement which is perpendicular to the plane of the corresponding head wall;

c) a portion of a perimetric frame (84) which is an integral part of each one of said fastener projections, with said portion of perimetric frame having an end;

d) a wedge portion (84a) joined in one of its edges to said end (88) oriented in a slightly oblique plane as regards the main plane of said perimetric frame and using the area encircling the same; said wedge portion has an operating side (84a) opposing to its joining edge to said end (88); said operating side projects from the wedge portion of the plane of said perimetric frame and in such a way that this operating frame (84a) is oriented to the inside of the box but deeper than the end edge (88) of the perimetric frame (84); and

e) a driving area (the area located directly in front of element 84) defined in each one of said fastener-housing boxes and restricted in one of its sides by a portion of the stop column (82a) which is an integral part of the corresponding head wall and oriented parallel to the side edge thereof.

19. With respect to claim 2, Merey shows hinge means in order to allow a pivoting assembly of side walls in relation to the bottom wall (fig.1).

20. With respect to claim 3, Merey shows the side head walls and the main side walls form a single assembly with said bottom wall, with the area of lower edges of said side walls being flexible, (col. 1 ln. 10) moulded plastic is flexible, and defining the hinge areas between these walls and said bottom wall (fig. 1).

21. With respect to claim 4, Merey shows a rigid guiding projections (94,90), which extend above and below the corresponding fastener (80) in a direction which is parallel to the plane of the corresponding main side wall; with the upper zones of the side edges of each head wall having two corresponding housing boxes for guides (96,92) in order to receive said rigid guides, being operating oriented to the inlet openings of these housing boxes for guides, so that to allow the entering of the corresponding rigid guide according to a relative displacement which is perpendicular to the plane of the corresponding head wall.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb


JES F. PASCUA
PRIMARY EXAMINER